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OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Fifth periodic reports of States parties due in 2000

Addendum

CROATIA*

[21 December 2000]

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* This document contains the fourth and fifth periodic reports of Croatia, due on 8 October 1998 and 2000 respectively, submitted in one document. For the initial, second and third periodic reports of Croatia, submitted in one document, and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/290/Add.1 and CERD/C/SR.1276-1277.

The information submitted by Croatia in accordance with the guidelines for the initial part of the reports of States parties is contained in document HRI/CORE/1/Add.32/Rev.1.

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Introduction

1. There have been no significant changes in the general information on the country and its people as compared to the second and third periodic reports, as the relevant data have not changed, since they are based on the 1991 census.

2. In the Republic of Croatia State power derives from the people and belongs to the people as a community of free and equal citizens. The people exercise State power through the election of their representatives and through direct decision-making (Constitution of the Republic of Croatia, art. 1, paras. 2 and 3, Official Gazette No. 8/98).

3. As regards the type of State power and the organization of executive, legislative and judicial bodies, the situation corresponds to the situation described in the former report. It is only to be mentioned that on 3 January 2000 elections were held in the Republic of Croatia for representatives to the Croatian State Parliament. The coalition of the Social Democratic Party and the Croatian Social Liberal Party won the elections. The first round of the presidential elections took place on 24 January 2000 and the second round on 7 February 2000.

4. On the basis of the provisions of the Constitution of the Republic of Croatia, every person and citizen of the Republic enjoys all rights and freedoms, without distinction as to race, colour, sex, language, religion, political or other beliefs, national or social origin, property, birth, education, social status or other characteristics. All men are equal before the law. Only the law may restrict rights and freedoms in order to protect the rights and freedoms of other persons, as well as the legal order, public morals and health (articles 14 and 16 of the Constitution).

5. During wartime or direct danger to independence and integrity of the State, as well as natural disasters, it is possible to restrict certain rights and freedoms granted by the Constitution. This is decided by the Croatian State Parliament on the basis of a two-thirds majority of all members of Parliament, and if the Parliament cannot convene, the President of the Republic takes the decision. The scope of restrictions has to correspond to the nature of danger involved, and it may not result in any inequality among citizens based on their race, colour, sex, language, religion, or national or social origin (art. 17).

6. The application of the provisions on the right to life, the prohibition of torture or inhuman or degrading treatment or punishment, the legal determination of criminal offences and punishments or the freedom of thought, conscience and religion may not be restricted even in a case of direct danger to the existence of the State. All of these rights are to be found under the title "Fundamental Freedoms and Rights of Man and Citizen" in the Constitution of the Republic of Croatia.

7. International treaties that were signed and ratified in accordance with the Constitution, as well as published, and which are in force are part of the internal legal order of the Republic of Croatia, and in terms of their legal force they are above the domestic law. Their provisions may be changed or cancelled only on the basis of conditions and in the manner in which they were laid down or in accordance with the general rules of international law (article 134 of the Constitution).

I. ARTICLE 2 - POLICY AND PRACTICE IN ELIMINATING ALL FORMS OF RACIAL DISCRIMINATION

8. In addition to those activities of the Government of the Republic of Croatia mentioned in the preceding report, we would like to add that the Commission for Relations with Religious Communities and the Office of the Government Agent of the Republic of Croatia before the European Court of Human Rights in Strasbourg have been established.

9. The Commission for Relations with Religious Communities has been established for the purpose of regulating the relations between the Church and the State and cooperating with the Croatian Bishops' Conference and with representatives of other religious communities, as well as submitting joint proposals to State authorities and executive bodies.

10. The Government Agent's Office of the Republic of Croatia before the European Court of Human Rights in Strasbourg represents the Government of the Republic of Croatia before the European Court of Human Rights in accordance with the Convention for the Protection of Human Rights and Fundamental Freedoms and the Additional Protocols to the Convention. In the implementation of the Government Agent's activities, the necessary information is gathered by the Government Agent by examining case files and, if necessary, by other methods, and the facts are ascertained on the basis of which the decisions were made in proceedings before administrative and judicial bodies of the Republic of Croatia against which an action was brought at the European Court of Human Rights. The Government Agent sees to it that the decisions of the European Court are executed. If the Government Agent determines in a certain case that was examined by the Court that a national regulation is not in line with the European Convention on Humans Rights, the Government Agent suggests to the Government of the Republic of Croatia or another competent body how that regulation can be brought into line with the European Convention.

11. The Government Agent submits a report on his activities to the Government of the Republic of Croatia twice a year. For the purpose of carrying out its activities, the Office of the Government Agent has been established in accordance with the national and international regulations pertaining to the protection of human rights. This Office follows and analyses the case law of the European Court of Human Rights.

12. Since 1991 a large number of displaced persons and refugees have been continuously cared for by the Republic of Croatia and since 1995, after large parts of the Republic of Croatia were liberated and after the situation in neighbouring Bosnia-Herzegovina became stable and the Dayton Agreement was signed, intense activities were carried out in order to create conditions for the return of displaced persons and refugees to their homes.

13. In caring for displaced persons, refugees and returnees, the activities of the Office for Displaced Persons, Returnees and Refugees are determined by the following regulations: the Act on the Status of Displaced Persons and Refugees, the Reconstruction Act, the Return and Care Programme for Displaced Persons and Refugees and the Continuation of the Reconstruction Programme for Areas Destroyed in War. The return of all Croatian citizens to

their homes is made possible in accordance with the Agreement on Operative Return Procedures, which defined the two-way return to and from the Croatian Danube Region, and the Programme of Return and Care for Displaced Persons and Refugees.

14. In the application of the Stated regulations and the Return Programme, the Office for Displaced Persons and Refugees cooperates with international organizations with a mandate on the territory of the Republic of Croatia, primarily the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Organization for Security and Cooperation in Europe (OSCE).

15. In the period from 1991 until the end of 1999, the Republic of Croatia cared for the following numbers of displaced persons and refugees:

Displaced persons and refugees in the Republic of Croatia				Return to the Republic of Croatia				
As per	Displaced persons	Refugees	Total	"Flash" and "Storm" actions[a]	To the Croatian Danube Region[b]	From the Croatian Danube Region[c]	From FRY and RS[d]	Total
1 Dec. 1991	550 000	-	550 000					
1 Dec. 1992	260 705	402 768	663 493					
1 June 1993	254 791	272 869	527 660					
1 Aug.1994	196 870	212 056	408 926					
1 May 1995	210 592	188 672	399 264					
1 June 1996	167 609	184 545	352 154	40 199	-	-	7 065	47 264
1 Dec. 1996	138 088	167 035	305 123	80 000	-	-	13 173	93 173
1 Mar. 1997	117 721	106 750	224 471	85 000	-	-	14 459	99 459
1 Sept. 1997	113 744	105 005	218 749	100 000	1 500	5 719	17 432	124 651
1 Jan. 1998	100 668[e]	44 334	145 002	110 000	8 000	10 691	19 328	138 019
1 Aug 1998	86 802[f]	33 336	120 138	110 000	17 000	21 126	21 489	169 615
1 Oct. 1998	79 003[g]	31 183	110 186	114 000	21 349	23 343	24 288	182 980
1 Jan. 1999	71 704[h]	28 858	100 562	115 000	26 155	27 277	27 664	196 096
1 Apr. 1999	60 301[i]	28 341	88 642	118 473	35 367	26 567	31 586	211 993
1 Jan. 2000	46 273[j]	26 152	72 425	121 665	46 453	30 593	36 317	235 028

Notes

[a] Former displaced persons who returned to the areas liberated in the "Flash" and "Storm" actions in 1995.
[b] Former displaced persons who returned to the Croatian Danube Region.
[c] Returnees from the Croatian Danube Region to other areas of the Republic of Croatia.
[d] Returnees from the Federal Republic of Yugoslavia and the Republika Srpska to the Republic of Croatia.
[e] 79,025 displaced persons from the Croatian Danube Region and 21,643 displaced persons from other areas of the Republic of Croatia.
[f] 68,103 displaced persons from the Croatian Danube Region and 18,699 displaced persons from other areas of the Republic of Croatia.
[g] 62,213 displaced persons from the Croatian Danube Region and 16,790 displaced persons from other areas of the Republic of Croatia.

[h] 55,342 displaced persons from the Croatian Danube Region and 16,362 displaced persons from other areas of the Republic of Croatia.
[i] 47,412 displaced persons from the Croatian Danube Region and 12,889 displaced persons from other areas of the Republic of Croatia.
[j] 36,697 displaced persons from the Croatian Danube Region and 9,576 displaced persons from other areas of the Republic of Croatia.

Current situation with regard to refugees, displaced persons and returnees

16. The Office for Displaced Persons and Refugees currently cares for 91,828 persons (1 January 2000): 46,273 displaced persons (36,697 from the Croatian Danube Region and 9,576 from the areas liberated in the "Flash" and "Storm" actions for whom reconstruction has not yet been completed); 26,152 refugees from Bosnia-Herzegovina and 19,403 returnees.

17. Apart from the refugees who are cared for by the Office, there are at least an additional 110,000 citizens of Bosnia-Herzegovina, former refugees, in Croatia now, as well as some 30,000 refugees from the FRY, some of whom have had refugee status for some time, whereas part of them have never had that status. A total of 140,000 refugees from Bosnia-Herzegovina, no longer have refugee status, as they have acquired Croatian citizenship and residence.

18. Apart from the stated groups, at the moment there are also 3,088 refugees from Kosovo in Croatia, who were registered during the spring of 1999 after the outbreak of the Kosovo crisis. A total of 4,057 Kosovo refugees were registered during 1999 and they were granted temporary refugee protection in the Republic of Croatia. During the summer of 1999 a total of 955 Kosovo refugees returned to Kosovo.

19. In the course of the humanitarian evacuation from Macedonia and Albania after 24 March 1999, a total of 369 Kosovo refugees were received along with some 400 Croats and Croatian citizens. As a part of the international efforts to resolve the humanitarian crisis, Croatia offered to receive an additional 5,000 Kosovo refugees.

20. At present there are 17,189 persons in organized accommodation facilities: 12,711 displaced persons (10,502 from the Croatian Danube Region and 2,209 from other areas of the Republic of Croatia), 578 returnees and 3,900 refugees. A total of 293 facilities are used for accommodating displaced persons and refugees, of which 41 are hotels or tourist facilities. Only these hotels accommodate a total of 2,864 displaced persons, mostly from the Croatian Danube Region. In an effort to streamline organized accommodation of displaced persons and refugees, 246 facilities, among them 132 hotels were vacated and returned to their owners since 1996. During 1999, 86 facilities for organized accommodation, among them 32 hotels, were vacated. These activities covered a total of 4,004 displaced persons and refugees, the majority of whom returned to their homes while 1,779 persons moved to other facilities. The streamlining of facilities for organized accommodation involves moving displaced persons and refugees primarily from the remaining hotels by enabling their return through a targeted reconstruction of houses, whereas groups of others, whose return is still not possible, are accommodated in a smaller number of other facilities (settlements for displaced persons and refugees and similar).

21. In late 1992 there were 700,000 displaced persons and refugees in Croatia: 300,000 displaced persons from the then-occupied areas of Croatia and 400,000 refugees from neighbouring Bosnia-Herzegovina. The return of some of the displaced persons and refugees or their departure to third countries led to the reduction of this number to 399,000 in mid-1995: 210,000 displaced persons and 189,000 refugees.

The return

22. From the autumn of 1995 (the beginning of the mass return) to 1 January 2000, a total of 235,028 persons returned to the Republic of Croatia:

(a) 121,665 former displaced persons to the areas of the "Flash" and "Storm" actions;

(b) 46,453 former displaced persons to the Croatian Danube Region;

(c) 66,910 Serbian returnees from the Croatian Danube Region, FRY and Bosnia-Herzegovina Republika Srpska (B-H/RS) to their homes in the Republic of Croatia, 16,982 of them through the implementation of the Programme for Return and Accommodation of Displaced Persons and Refugees after 26 June 1998.

23. During 1999 a total of 38,932 displaced persons and refugees returned to their homes, 6,665 of them former displaced persons who returned to the areas of the "Flash" and "Storm" actions, 20,298 of them former displaced persons who returned to the Croatian Danube Region, and 11,969 returnees from the Croatian Danube Region, FRY and B-H/RS (Serbs).

24. The mass return of the Croatian displaced persons started in late summer 1995 after the military and police actions "Flash" and "Storm". The return from and to the Croatian Danube Region started in spring 1997, after the county and municipal elections (13 April, 1997) and after the agreement on the two-way return from and to the Croatian Danube Region was signed (23 April 1997) between the Government of the Republic of Croatia, the United Nations Transitional Administration for Eastern Slavonia, Baranya and Western Sirmium (UNTAES) and UNHCR. The return of the Croatian citizens of Serbian nationality from the FRY started in late 1995, first on the basis of reuniting the families and, since the end of 1996, on the basis of the Croatian documents they were able to obtain in the Croatian Danube Region. In mid-1998 the Programme of Return and Accommodation of Displaced Persons and Refugees was adopted (it was accepted by the Croatian State Parliament on 26 June 1998).

25. At the moment there are 4,739 Serbs registered as displaced persons, 2,791 among them being displaced persons from other areas of the Republic of Croatia and 1,948 of them domiciled in the Croatian Danube Region and displaced internally. It is to be recalled that in 1997 there were 31,000 registered displaced persons in the Croatian Danube Region, the majority of whom have returned to their homes in other areas of Croatia.

26. Of the total number of 280,000 Serbs who left the Republic of Croatia after 1991 (most of them, about 135,000, during or after the "Flash" and "Storm" actions), a total of 66,910 persons have returned to their homes in the Republic of Croatia.

27. Croatia is the only State in the entire region that enabled all its citizens, including its minority, to return without any conditions or delays. However, the return of minorities to other States has not yet occurred, e.g. the return of Croats and Muslims to the Republika Srpska.

28. The following are the main groups of displaced persons and refugees who have yet to be accommodated by means of reconstructed or other housing:

(a) There are 46,000 persons who have the status of displaced persons at the moment: 36,000 of them from the Croatian Danube Region and 10,000 from other Croatian regions, who are awaiting the reconstruction of their houses (about 15,000 houses);

(b) Forty thousand Croatian refugees from Bosnia-Herzegovina and the Federal Republic of Yugoslavia (13,300 families), who are being temporarily accommodated in houses which are not their own on the territories of special State concern in the Republic of Croatia, need to be provided permanent housing accommodation. There are 6,000 families among the temporary users who have to leave their accommodation as soon as possible, since the property is to be returned to Serbian returnees from FRY and RS (property for which the owners applied for repossession);

(c) Thirty five thousand displaced persons and returnees from the Federal Republic of Yugoslavia, Bosnia-Herzegovina and the Croatian Danube Region, as well as potential returnees who are still in FRY and RS.

29. There are 14,000 refugees from Croatia among them (7,000 families), who submitted an application for return to the Republic of Croatia to the Office for Displaced Persons and Refugees through UNHCR in Yugoslavia and Bosnia-Herzegovina, as well as 2,500 returnees who returned to Croatia from FRY and B-H, but their houses have not yet been reconstructed or they have not regained possession of their property. There are also an additional 4,500 displaced persons in the Croatian Danube Region.

30. One half of the families should be taken care of through the reconstruction of their houses and housing accommodation, whereas the second half should be taken care of through the return of property that is temporarily being used by Croatian refugees from B-H and FRY.

31. In connection with the issues concerning the implementation of the Return Programme, the following activities are under way.

32. The changes to the two remaining laws that are the subject of objections by the international community, i.e. the Reconstruction Act and the Act on Areas of Special State Concern, are being prepared by the Ministry of Public Works, Reconstruction and Building, and they are being brought into line with the previously accepted Return Programme and the Continuation Programme of Reconstruction of Areas Destroyed in War, in order for all groups of displaced persons, returnees and refugees to be equal in their rights regardless of the method of their return. The stated activities are coordinated with representatives of the international community in the Republic of Croatia and they will shortly be submitted to the Government of the Republic of Croatia for further action. This is part of the obligation undertaken by the Croatian Government in accepting the Programme of Return and Accommodation of Displaced

Persons and Refugees (Official Gazette No. 92/98), adopted by the Croatian State Parliament on 26 June 1998. "The Government shall propose to the Croatian State Parliament within three months to change the existing laws, which were adopted in response to the then actual needs, so as to make all categories to which this Programme applies equal in their status of returnees."

33. The changes to the Act on the Status of Displaced Persons and Refugees were carried out in late December 1999, so that all groups of refugees were made equal in their rights (adopted by the Croatian State Parliament on 12 November 1999, Official Gazette No. 128/99). Before that, in July 1998, the Act on the Temporary Acquisition and Management of Certain Property and the Act on Leasing Flats on the Liberated Territory (Official Gazette No.101/98) were abolished, also as part of the obligation of the Republic of Croatia undertaken in the Return Programme.

34. There is still an objection on the part of the international community to a credible interpretation of article 14 of the Act on the Status of Displaced Persons and Refugees (Official Gazette No. 29/99), adopted by the Croatian State Parliament on 26 March 1999, which is claimed to have introduced the term "possessory title" for true, fair and lawful possessors. We find that this objection represents a too-extensive interpretation of the concept of "true, fair and lawful possessor" and that such title does not infringe on private ownership and the rights of private owners in any way. In order to eliminate any further objections, an explicit legal provision will be included in the amendments to the Act on the Areas of Special State Concern.

35. The fundamental issue to be resolved is the promotion of the activities of housing commissions for the purpose of the return of property whose owners are mostly refugees currently in the Federal Republic of Yugoslavia and in Bosnia-Herzegovina. According to available information, so far 8,151 applications for the return of property have been submitted to housing commissions, of which 2,100 have been resolved by repossession. The key problem is to provide alternative accommodation for temporary users of the property, mostly Croatian refugees from Bosnia-Herzegovina. During recent months a number of preparatory activities have been carried out in order to be able to collect precise data on the activities of housing commissions and to ensure better coordination of their work.

II. ARTICLE 4 - CONDEMNATION OF RACIST PROPAGANDA AND RACIST ORGANIZATIONS

36. It is prohibited and punishable to incite national, racial or religious hatred or any other form of intolerance.

37. The Penal Code (Official Gazette No. 110/97) provides in article 174 for the criminal offence of racial and other discrimination, stipulating that a person who, on the basis of a difference in race, sex, colour, nationality or ethnic origin, violates fundamental human rights and freedoms recognized by the international community will be punished by a prison sentence of six months to five years. Paragraph 2 provides for the punishment of those who persecute organizations or individuals on account of their advocacy of equality of people.

38. Article 106 states: "If someone, on the basis of a distinction in race, colour, sex, language, religion, political or other beliefs, national or social origin, property, birth, education, social status or other characteristics or due to membership of a minority in the Republic of

Croatia, withholds or restricts a freedom or right of man and citizen as determined by the Constitution, law or other regulation, or grants preferences or privileges to citizens on the basis of distinctions or membership, he will be punished with a prison sentence of six months to five years. The same sentence shall apply to those who withhold from or restrict the right of a member of a nation or a national minority to express their national affiliation or the right to cultural autonomy. If someone, notwithstanding the laws on the use of language and script, withholds from or restricts the right of a citizen to use his language and script, he will be punished with a fine or prison sentence of up to one year."

39. The statistical data on the number of persons serving a prison sentence on account of the above-stated criminal offence for the period from 1997 to 2000 show that there were no persons punished for this criminal offence serving a prison sentence in the Croatian prison system.

III. ARTICLE 5 - CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS

A. The right to equal treatment before the tribunals and all other organs administering justice

40. All citizens and foreigners are equal before the tribunals and other State and other bodies of public authority. The presumption of innocence is applied and no one may be held guilty of any criminal offence until proved guilty in a final court sentence. Similarly, in order for a person to be punished for a criminal offence, the criminal offence has to be provided for by law or international law. The same applies to the penalty. If the law determines a more lenient sentence after the commission of a crime, such a sentence will be pronounced. Only one criminal action may be brought with respect to one criminal offence, and only one valid sentence may be pronounced.

41. Everyone suspected or charged with a criminal offence has the right:

(a) To a fair trial before a competent tribunal established by law;

(b) To be informed promptly of the reasons for the accusation and the evidence against him;

(c) To a defence counsel and to unhindered communication with the defence counsel, and to be acquainted with that right;

(d) To be tried in his presence, if he is accessible to the court, and to defend himself in person or through legal assistance of his own choosing.

42. The accused and the defendant may not be forced to testify against himself or to admit guilt, and evidence procured in an unlawful manner may not be used in a court action.

B. The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution

43. In the area of Penal Code sanctions the Croatian legislation has included in its provisions the basic principles on the protection of human rights in detention or in prison The Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Geneva in 1955, included among its basic principles the provision that the rules shall be applied impartially, that there shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and that it is necessary to respect the religious beliefs and moral precepts of the group to which a prisoner belongs.

44. The *European Prison* Rules, adopted by the Committee of Ministers of the Council of Europe, point out several key tenets in their basic principles: the deprivation of liberty shall be effected in material and moral conditions which ensure respect for human dignity and are in conformity with the rules. It is also pointed out that the rules shall be applied impartially and that there shall be no discrimination on the grounds, inter alia, of race, colour and sex, in conformity with the Standard Minimum Rules for the Treatment of Prisoners, adopted by the United Nations. The treatment of persons in custody shall be such as to sustain their health and self-respect and to develop their sense of responsibility and encourage those attitudes and skills that will assist them to return to society with the best chance of leading law-abiding and self-supporting lives after their release. There shall be regular inspections of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. The protection of the individual rights of prisoners with special regard to the legality of the execution of detention measures shall be secured by means of a control carried out, according to national rules, by a judicial authority or other duly constituted body authorized to visit prisoners and not belonging to the prison administration.

45. These principles are included in the Act on the Execution of Sanctions for Crimes, Economic Offences and Misdemeanours (Official Gazette No.21/74, 39/74, 55/88, 19/90 and 66/93), which determines the procedure during the implementation of sentences resulting from a criminal action, a trial for an economic offence or a misdemeanour, correctional measures, security measures and protection measures, as well as the seizure of property, unless otherwise provided for by a separate law. It is specifically determined in article 2 that sanctioned persons are deprived of their rights or restricted in their rights only to the extent necessary to attain the purpose of a sanction, in accordance with the law. It is determined in article 14 of the stated Act that the treatment of convicted persons shall be humane and that it shall ensure respect for their human dignity and sustain their physical and mental health, ensuring at the same time the necessary order and discipline.

46. It is determined in article 14.a that a convicted person is entitled to meet his religious needs. Article 87 of the same Act states that the general and professional supervision of the execution of a prison sentence in all penal institutions is carried out by the Ministry of Justice.

47. This supervision is carried out in order to ensure a single method of prison sentence execution, to duplicate the positive experiences of penal bodies, to analyse and examine the work

of individual services in penal authorities and to provide technical assistance for the promotion of these services. It is provided in article 185 that a convicted person is entitled to complain about any violation of his rights and any irregularities in the penal institution to an official person inspecting the penal institution and without the presence of officials employed in that penal institution.

48. In accordance with this Act, all penal institutions of the Republic of Croatia have developed implementation rules, i.e. House Rules on the execution of prison sentences in penal institutions and regional prisons, in which the principles on the respect for the human dignity of each convicted person and non-discriminatory treatment and conduct are included.

49. On the basis of the decision of the Croatian State Parliament of 22 October 1999, the Act on Prison Sentence Execution was passed. It was published in the official journal Official Gazette No.128 and it enters into force six months from its publication date. The Act follows the European principles on the treatment of prisoners, and it says in article 2 that the main purpose of implementing a prison sentence is to make prisoners capable of a law-abiding life in accordance with social norms after their release. Article 3 deals with the fundamental rights of prisoners and their restrictions, and these rights are laid down in the Constitution of the Republic of Croatia, international treaties and this Act. In implementing a prison sentence, prisoners may be limited in their fundamental rights only to the extent that is necessary to attain the purpose of the prison sentence and according to the procedure laid down in the Act. Article 9 provides that the prison sentence is to be implemented in a manner that ensures respect for the human dignity of prisoners. Any measures that subject prisoners to any form of torture, abuse or degradation, or medical or scientific experiments are prohibited and punishable. Article 10 expressly prohibits discrimination - the prison sentence shall be effected in a manner in which there shall be no inequality on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, education, social or other status. A special novelty of this Act is the introduction of an implementation judge (arts. 41, 42), who protects the rights of prisoners, monitors the observance of rules in the prison service and ensures the equality of prisoners before the law.

50. In 1997 an extensive reform of the Croatian legislation took place, so that the Croatian State Parliament, in its session on 19 and 26 September 1997, passed the Penal Code, the Act on Penal Procedure, the Act on Juvenile Courts and the Act on the Protection of Mentally Disordered Persons, which entered into force on 1 January 1998. (The regulation of punishment for racial discrimination in the Croatian legislation is described under article 4.)

51. The Act on Juvenile Courts, as a novelty in the Croatian legislation, also prescribes respect for the personality and dignity of a juvenile during the implementation of correctional measures (art. 92). In article 138 it is laid down that the Minister of Justice shall establish a commission to monitor the implementation of juvenile sentences and promote the activities of the penal procedure bodies and adopt its rules of procedure. Members of the commission are appointed from the ranks of prominent judges for juveniles, public prosecutors for juveniles, experts, lawyers, officials of the Ministry of Justice and the Ministry of Labour and Social Welfare who are responsible for the implementation of penal law sanctions, and social scientists dealing with juvenile delinquency.

52. The Act on the Protection of Mentally Disordered Persons lays down the fundamental principles for the protection of mentally disordered persons as well as the method of organization and implementation, and the prerequisites for the application of measures and treatment (art. 1), with the objective of protecting and promoting their health (art. 2). Article 4 expressly states that each mentally disordered person is entitled to the protection and promotion of his health, to conditions of medical treatment equal to those in other medical institutions, and that the rights and freedoms of persons with mental disorders may be limited only by law if it is necessary to protect the health and safety of the mentally disordered person or other persons. The dignity of a mentally disordered person shall be respected in all circumstances. A person with a mental disorder is entitled to protection from any form of abuse or degrading treatment, and such persons shall not be placed in an unequal position on account of their mental disorder (art. 5). In order to protect persons with mental disorders and in psychiatric institutions, it is laid down in article 60 of the Act that commissions for the protection of mentally disordered Persons shall be established at psychiatric institutions, and the National Commission for the Protection of Mentally Disordered Persons shall be established within the Ministry of Health. The purpose of commissions is to take all measures to prevent mental diseases and other mental disorders, to promote the treatment of mentally disordered persons, to monitor the implementation of the procedures laid down in the Act and, primarily, to monitor the observance of the human rights and freedoms, as well as the human dignity, of persons with mental disorders.

53. The Act on Penal Procedure provides in article 112 for the implementation of detention so as to ensure respect for the person and the dignity of detainees. Supervision of the detention is carried out by the chairman of the competent court (art. 117). Article 118 lays down the obligation of the Minister of Justice to adopt House Rules for prisons, which shall define in more detail the implementation of the detention in accordance with the provisions of the Act.

54. The Ordinance on House Rules in prisons for the implementation of detention (published in Official Gazette No. 135 of 10 December 1999) provides, in its basic provisions (art. 3), that the treatment of detainees shall be in accordance with ratified international conventions and constitutional and legal provisions regulating the legal status of a person deprived of liberty before the court decision becomes final. Additionally, the provisions of article 74 of the Act on Juvenile Courts are applied to juvenile detainees. The detention must be effected so as to respect the person and dignity of detainees, promoting their physical and mental well-being and maintaining at the same time the necessary discipline and order in the prison (art. 4).

55. All detainees are granted equality during the detention without distinction as to their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, education, social or other status (art. 7).

56. Detainees shall not be exposed to torture, compulsory labour or cruel and inhuman treatment (art. 8). Every detainee shall be allowed to satisfy the needs of his religious or spiritual life (art. 71). The supervision of the treatment of prisoners is regulated in article 89, and it is carried out by the chairman of the court who is authorized to do so or a judge appointed by him in accordance with the provisions of the Act on Penal Procedure. The supervision of the treatment of detained juveniles is carried out by a judge for juveniles, who receives oral and written complaints during his visits and takes the necessary measures to eliminate any irregularities that were stated.

57. On the basis of the supervision carried out by competent officials of the Ministry of Justice, the Ministry of Labour and Social Welfare, and by judges and lawyers for juveniles, representative of the Croatian Helsinki Committee, as well as representatives of a number of international organizations (International Committee of the Red Cross (ICRC) OSCE, Office of the United Nations High Commissioner for Human Rights (OHCHR), Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment), it has been stated that the human rights of persons deprived of their liberty are respected and that they are treated without discrimination.

58. In connection with penal proceedings conducted for the criminal offence of violating the right to equal treatment of citizens (article 106 of the Penal Code) and a criminal offence in article 174, it was stated:

(a) In 1997:

(i) There were complaints against five persons for the criminal offence in article 106, but the complaints against all five persons were dismissed as the offence did not have the elements of a criminal offence;

(ii) There were complaints against four persons for the criminal offence in article 174. The complaints against two persons were dismissed as the acts did not have the elements of a criminal offence, the complaint against one person was rejected, as there were circumstances excluding criminal prosecution, and one person was charged. One person was convicted and sentenced to prison for the same criminal offence;

(b) In 1988:

(i) There was a complaint against one person for the criminal offence in article 106, but the complaint was dismissed as there were no elements of a criminal offence;

(ii) Two persons were charged with the same criminal offence: the action was suspended for one person and the other person was acquitted;

(iii) There were complaints against three persons for the criminal offence in article 174. The complaints were dismissed against all three persons, as there were no elements of a crime. One person was charged with the same crime, but the legal action was suspended.

59. In connection with criminal offences against freedom, human rights and the rights of citizens - violation of the equality of citizens, in article 106 of the Penal Code - as well as criminal offences against values protected by international law - prohibition of racial or other discrimination in article 174 of the Penal Code - please find below a table that shows that in the period from 1997 to 1999 there was a total of six complaints for the criminal offence in article 106; 10 persons were indicted and 7 persons were convicted. During the same period

there were complaints against six persons for the criminal offence of racial or other discrimination in article 174 of the Penal Code; two persons were indicted and one person was convicted.

60. As regards the criminal offence in article 106 in the period 1997-1999 there were six complaints, 10 persons were indicted and 7 persons were convicted, whereas during the same period there were complaints against 6 persons for the criminal offence of racial or other discrimination in article 174, and 2 persons were indicted and 1 person was convicted.

Article 106 of the Penal Code

Year	Complaints	Indicted	Convicted
1997	1	2	1
1998	1	6	-
1999	4	2	6

Article 174 of the Penal Code

Year	Complaints	Indicted	Convicted
1997	2	1	1
1998	4	-	-
1999	-	1	-

C. The right to leave any country, including one's own, and to return to one's country

61. The Ministry of Internal Affairs aims, within its scope of activities, to create better safety conditions, providing in particular protection to people and their property, as well as to the human rights and freedoms of any individual regardless of his national, religious, party or any other affiliation. Therefore, on the basis of the measures taken and information and data collected, all legal measures are taken within the scope of activities of the Ministry to ensure the criminal responsibility of all those who violate the valid legal regulations of the Republic of Croatia in any way. Accordingly, disciplinary and penal measures are taken in connection with acts that violate or restrict human rights and freedoms, or if there are grounds for suspecting a case of discrimination on the basis of national, religious or other affiliation against an individual or a group. Measures are continuously taken to prevent any unlawful incidents or acts which might be linked with a violation of the international conventions on civil and political rights from within the scope of the Ministry of Internal Affairs.

62. The Croatian police actively participate in international police cooperation, accepting international standards of behaviour in relation to citizens. These include: the duty to serve citizens, respect for legality and efforts to prevent illegalities, no discrimination in law enforcement activities, restrictions on and restraint in the use of force, no use of torture or application of inhuman or degrading methods, providing assistance to victims and care for the well-being of persons, permanent education on human rights and law enforcement ethics.

63. The Republic of Croatia is a member of the Council of Europe and is an active participant in the development of documents on law enforcement ethics. Until these documents are adopted, the Croatian law enforcement force observes the fundamental ethical principles anchored in the constitutional and legal norms. Law enforcement ethics is studied as a subject within the secondary education programme designed to promote and protect the human dignity of each person without regard to acquired or inborn characteristics. Since 1990 human rights education has been carried out in all forms of schooling through special subjects in courses the constitutional law, police law and criminal law. In 1995/96 a compulsory course was established in the fifth semester of the police college titled "Human rights and law enforcement ethics", in the course of which a systematic education takes place on human rights and freedoms, ethics and deontology of the police, as well as essential international and national law enforcement standards.

D. Political rights, in particular the rights to participate in elections, to vote and to stand for election

64. The right to vote is universal and equal; all Croatian citizens over 18 years of age enjoy the right to vote. The right to vote is exercised in free elections by secret ballot.

65. It is guaranteed that voters shall have freedom of decision and secrecy. It is the right and the obligation of voters to vote only once; no one shall have the right to ask voters to proclaim their voting decision; no one may be held responsible for voting or not voting (article 3 of the Act on Elections of Representatives to the Croatian State Parliament (Official Gazette No. 116/99). Similarly, any violation of the freedom of decision of voters, deprivation or abuse of the right to vote, violation of secrecy, destruction of election documents and election fraud are sanctioned.

66. A citizen of the Republic of Croatia over 18 years of age may be elected a member of Parliament.

67. The Republic of Croatia guarantees the members of indigenous national minorities the exercise of the right to be represented in the House of Representatives of the Parliament. The members of indigenous national minorities are entitled to elect five representatives to the House of Representatives of the Parliament, who are elected in constituencies determined in the Act on Constituencies for the election of representatives to the House of Representatives of the Croatian State Parliament.

68. Members of Hungarian, Serb and Italian national minority elect one representative each, and members of the Czech and Slovak minorities as well as Austrian, German, Rusyn, Ukrainian and Jewish national minorities together elect one representative each (articles 16 and 17, paragraphs 1, 2 and 3, of the Act on Election of Representatives to the Croatian State Parliament, Official Gazette No. 116/99).

69. The right of access to public service is equal for all provided that legal requirements are met. There is no distinction in the access to public service. According to the Act on public servants and employees and on salaries for judicial officials (Official Gazette No. 74/94), public servants are officers of university, high or secondary school education and in State

administrative bodies, judicial institutions, offices and technical services of the Government and technical services of the Parliament who are nominated or appointed and who, as their regular profession, exercise tasks defined in the Constitution or legislation as a scope of activity of these bodies.

70. Any person meeting the following criteria may be appointed to public service: full age, general medical ability necessary for the tasks of a public service position, professional qualifications necessary for a public service position, citizenship of the Republic of Croatia.

71. Aliens or stateless persons may be admitted to public service with the previous consent of a ministry in charge of general administrative activities.

72. A person may not be appointed to public service if there is an investigation or criminal action against him or her or if he or she is convicted of a criminal offence against life and limb and sentenced to a non-suspended prison sentence of one year or more; against freedom or human rights and the rights of citizens; against human dignity and morality; against matrimony, family and youth; against the economy; against property; against the justice system; against public order and public transportation; against official duty and public authority, or against the Republic of Croatia. Also excluded are persons who have been sentenced to a non-suspended prison sentence of three years or more, unless otherwise provided for in a separate law (arts. 14 and 15).

E. Other civil rights

1. The right to freedom of movement and residence within the border of the State

73. In article 32 of the Constitution of the Republic of Croatia it is determined that each person lawfully present on the territory of the Republic of Croatia has the right to freedom of movement and residence. Any citizen of the Republic of Croatia has the right to leave the territory of the State and to have permanent or temporary residence in another country, as well as to return to the home country at any time.

74. The right to freedom of movement on the territory of the Republic of Croatia and the right to enter and leave the country may exceptionally be limited by law, if this is necessary for the protection of the legal order or the health, rights and freedoms of other people. The provisions to that effect are stated in article 2 and article 28 of the Act on Movement and Residence of Aliens (Official Gazette No. 53/91).

75. Article 3 of the same Act provides that an alien may be forbidden to enter the Republic of Croatia, his movement in a certain area may be restricted or prohibited, his residence may be cancelled or permanent residence in certain places may be prohibited only for reasons of national security or if necessary for the protection of public order. An alien is obliged to report his temporary residence or a change of address to the competent authority, as well as to give notice of his departure from the permanent residence. Failure to observe the prescribed obligations results in an offence against responsibility or a cancellation of residence on the basis of article 39 of the Act on Movement and Residence of Aliens.

2. The right to citizenship

76. The Ministry of Internal Affairs deals with legal status issues of citizens in connection with the accession to Croatian citizenship, which procedure is laid down in the Act on Croatian Citizenship (Official Gazette No. 53/91). Each applicant is guaranteed equal legal protection in the administrative procedure, and in the special court protection as well. The fundamental principle for acquiring Croatian citizenship in the legal system of the Republic of Croatia is the principle of origin - ius sanguinis (blood relation), whereas the principle ius soli (country of birth) is applied to certain specified cases, for the purpose of the prevention of statelessness.

77. In the period from 1997 to the end of 1999 there were 101,201 applications for Croatian citizenship. Of that number, 41,839 applications were received in 1997, 34,704 in 1998 and 24,658 during 1999.

78. Of the above stated number of received applications:

57,063 applications were resolved in 1997, of which 5,334 were refused;

31,435 applications were resolved in 1998, of which 2,848 were refused;

15,649 applications were resolved in 1999, of which 3,439 were refused.

79. On the basis of negative decisions 2,007 administrative actions were initiated:

Year	Number of administrative actions initiated
1997	1 494
1998	274
1999	239

80. Before a court decision was adopted, 588 decisions were changed in favour of applicants (417 in 1997, 37 in 1998 and 134 in 1999).

81. One thousand three hundred and eighty-five answers to claims were submitted to the Administrative Court of the Republic of Croatia, the court competent to deal with, inter alia, disputes concerning nationality, by the Ministry of Internal Affairs, the authority dealing with the legal status issues of granting Croatian citizenship. In the period from 1997 to 1999 there were 9,627 applications for release from Croatian citizenship, of which 8,325 applications were resolved.

3. The right to marriage and choice of spouse

82. The right to marriage is regulated in the Family Law (Official Gazette No. 162/98), in force as of 1 July 1999. Marriage is a legally regulated community of life between a woman and a man, which may be concluded on the basis of a consenting statement by a woman and a man in a civil or religious form before two witnesses, who have to be persons of full age and capacity. The Family Law does not include any discriminatory provisions whatsoever. Marriage is based

on equality, mutual respect and mutual assistance. Spouses are equal. They are independent in making decisions on their residence, work and profession, raising their children and many other issues.

4. The right to own property alone, as well as in association with others

83. The right to own property is guaranteed in article 48 of the Constitution. Ownership has an obligatory character, and holders of ownership rights and their users are obliged to contribute to the public welfare. An alien may acquire ownership rights under the conditions provided by the law. The right to inherit is also guaranteed.

84. The acquisition and protection of the ownership right is regulated in the provisions of the Act on Ownership and Other Property Rights (Official Gazette No. 91/96 - hereinafter referred to as the "Ownership Act").

85. The provisions of the Ownership Act are applicable to foreign natural persons and legal entities as well, unless otherwise provided for by the law or international treaties. Certain restrictions apply to aliens with regard to the acquisition of immovable property on the territory of the Republic of Croatia. However, these restrictions are not applied to ownership of moveable property or limited property rights.

86. It is regulated in the Act that foreign natural persons and legal entities may acquire ownership of immovable property on the territory of the Republic of Croatia:

(a) On the basis of inheritance, under the condition of reciprocity (art. 356, para. 1);

(b) On the basis of a legal transaction unless otherwise regulated by the law, under the condition of reciprocity, if approval is given by the Minister for Foreign Affairs of the Republic of Croatia on the basis of a previous opinion of the Minister of Justice of the Republic of Croatia (art. 356, para. 2). A legal transaction, the purpose of which is to acquire the ownership right, is not legally valid if it is concluded contrary to the stated provision.

87. The decision whether to grant approval within the meaning of this provision is made by the Minister for Foreign Affairs of the Republic of Croatia at the request of an alien intending to acquire ownership of a property, or by the person selling the immovable property in question. Before the approval is granted, the Minister for Foreign Affairs shall, ex officio, obtain the opinion of the Minister of Justice of the Republic of Croatia.

88. It is provided in article 612 and article 613 of the Act on Companies (Official Gazette No. 111/93) that foreign companies have the same status concerning their business operations on the territory of the Republic of Croatia as local entities and that they are allowed to perform business operations and establish subsidiaries under the condition of reciprocity, which is assumed.

89. It is provided in article 620 of the Companies Act that a foreign investor - again under the condition of assumed reciprocity - who establishes or participates in the establishment of companies in the Republic of Croatia, acquires the same rights and takes on the same obligations with respect to these companies under the same conditions and with the same status as a citizen.

90. It is provided in the Amendment Act to the Companies Act (Official Gazette, No. 34/99) that reciprocity is not necessary if the entity in question has its headquarters in a member State of the World Trade Organization or if the person in question is a national of a member State of the WTO. However, this provision will be applied only after the Republic of Croatia becomes a member State of the WTO.

91. Furthermore, we state that during the aggression against the Republic of Croatia in the period from 1991 to 1996, when there were up to 700,000 refugees and displaced persons on the territory of the Republic of Croatia and when the United Nations applied various sanctions against the Federal Republic of Yugoslavia as aggressor, inter alia the injunction preventing the disposal of any of the property of the Federal Republic of Yugoslavia and its nationals on the territory of other States, the immovable property on the territory of the Republic of Croatia owned by the Federal Republic of Yugoslavia and its nationals was expropriated by the Republic of Croatia, and these houses and flats were used for temporary accommodation for the numerous refugees and displaced persons.

92. However, the problem of displaced persons and refugees was not resolved with the end of the war, because refugees and displaced persons could not return to their destroyed homes, or they still cannot return to the regions of Bosnia-Herzegovina under the control of Bosnian Serbs. Therefore, the Programme of Return and Accommodation of Displaced Persons and Refugees was adopted by the Republic of Croatia (Official Gazette No. 92/98), whereby the method of return of all persons to their homes is determined; it also lays down the procedure for the repossession by their owners of houses, flats and other immovable property that had been used for the temporary accommodation of refugees and displaced persons.

93. The Act on the Repeal of the Act on Temporary Seizure and Administration of Specific Property was passed (Official Gazette No. 101/98), so that the previous expropriation law was abolished.

94. It is provided only in this Act that the issue of the repossession of houses and flats owned by nationals of the Federal Republic of Yugoslavia (in which displaced persons and refugees are still accommodated) is to be regulated in a special agreement between the Federal Republic of Yugoslavia and the Republic of Croatia.

5. The right to inherit

95. The right to inherit is guaranteed in the Republic of Croatia. This right occurs at the moment of a testator's death. It is possible to inherit on the basis of the law and on the basis of a testament. In case of inheritance on the basis of law, the system of inheritance lines is between spouses, descendants and ancestors and a further inheritance line is excluded by a nearer one. In case of a testamentary inheritance, the testator himself determines his heirs. The legal text does not contain any discriminating provisions with regard to female/male relations or similar.

6. The right to freedom of thought, conscience and religion

96. The freedom of conscience and religion and free public demonstration of religion or other beliefs are guaranteed. All religious congregations are equal before the law and they are separate from the State. They are free, in compliance with the law, to perform religious ceremonies in public and to establish schools, education centres, other institutions, and social and charitable societies, and to manage them. They enjoy the protection and assistance of the State in their activities. Since the obligation to register religious congregations is not legally laid down, it is not possible to give any information on their present number.

97. It is laid down in article 47 of the Constitution of the Republic of Croatia that all those who, due to their religious or ethical opinions, are not willing to participate in military activities in the military may be conscientious objectors. The conscientious objectors are obliged to carry out other activities as provided by the law. Military service is replaced by civilian service.

98. The procedure for applications for conscientious objection and the decision-making process are laid down in the Defence Act (arts. 81-93) (Official Gazette No. 74/93). A conscript who, for the above-mentioned reasons, does not want to participate in military activities has to submit an application for civilian service to the Civilian Service Commission which is appointed by the Minister of Justice. The Commission has to reach a decision within three months from the date of receipt of the application.

99. The following table shows the development in the applications for civilian service submitted from 1992 to 1999:

Year	Number of submitted applications	Number of applications approved	Number of applications refused
1992	147	8	-
1993	239	4	-
1994	293	13	-
1995	249	16	4
1996	130	78	-
1997	164	58	5
1998	194	126	-
1999	260	92	-
Total	1 676	395	9

Note: Applications were submitted by both recruits and reservists.

100. Nine applications were refused after it was stated that the applicants were in possession of registered weapons. One hundred and fifty conscripts were sent to perform civilian service from 1992 to 1999, 138 of them to legal entities and 12 to the military.

7. The right to freedom of opinion and expression

101. The Republic of Croatia guarantees freedom of opinion and expression in its fundamental legal act which refers, in particular, to freedom of the press and other public media of communication, freedom of speech and freedom of public expression, as well as freedom to establish media institutions. Censorship is forbidden, and journalists have the right to freedom of reporting and freedom of access to information. A fine or a prison sentence of a duration of one year is the penalty for censorship or refusing or restricting information. Everyone whose constitutional rights are violated in public news is entitled to a correction.

102. Before municipal courts in the Republic of Croatia 180 actions were initiated for damages in the period 1996-1999. The parties in these actions were mostly journalists who were sued. Some 40 libel cases ("anyone who says or disseminates information that is not true about someone and that may damage his honour or reputation, in the press, on the radio or television, in front of [...] persons, in a public meeting or otherwise, thereby allowing the libel to become accessible to a larger number of persons") have been completed and others are still pending.

103. Additionally, we point out that the Government of the Republic of Croatia, which is to alter the present situation, is preparing an amendment to the Penal Code that is linked with freedom of expression.

8. The right to freedom of peaceful assembly and association

104. The right to strike is guaranteed in the Republic of Croatia, and it may be limited only in the military and in the police force.

105. The method of exercising the right to freedom of peaceful assembly and public protest, as guaranteed by the Constitution, is laid down in the Public Assembly Act. As it is a constitutional right of citizens, it is not necessary to obtain approval in advance in order to organize and hold public meetings, but only to register it with the competent police administration, i.e. at the police station. The registration of certain types of public meetings, as specified in the Act, is not necessary. Foreign nationals are obliged to apply for a permit in advance in order to hold a public gathering.

106. A public gathering is registered not later than 48 hours before it starts with the police station located in the area where the gathering is to be held. Foreign natural persons or legal entities have to submit the application for approval to hold a gathering to the authorized institution not later than five days before it is to be held.

107. A registered public gathering may be prohibited by the police administration if it would disturb public order. The decision to prohibit a public gathering is issued by the authorized police department within 24 hours of the receipt of the registration. The organizer of the public gathering has a right of appeal to the Appellate Commission in the Ministry of Internal Affairs of

the Republic of Croatia, which does not delay the execution of the decision. The refusal or restriction of the citizens' right to legal peaceful assembly or public protest, as well as preventing or disturbing them, is punishable.

108. The number of registrations of public gatherings submitted from 1997 to 1999 is shown below:

Year	Total number of registrations	Approved	Prohibited	Rejected	Appeals	Administrative legal actions
1997	27 582	27 570	11	1	1	-
1998	26 108	26 096	5	7	1	-
1999	28 717	28 673	26	18	1	-
Total	82 407	82 339	42	26	3	-

109. Citizens are free to form associations. This is regulated by the Act on Political Parties (Official Gazette No. 76/93) and the Act on Associations (Official Gazette No. 70/97). According to these valid regulations, everyone is ensured the right to form or join an association or a party or to establish a foundation under legal conditions.

110. There are 32 associations in the Republic of Croatia today which were formed with the objective of protecting and promoting human rights. These are:

1. "Homo" Association for the Protection of Human Rights and Civil Liberties Pula.
2. "Altruist" - Centre for the Protection of Human Rights and Civil Liberties.
3. Amnesty International of Croatia.
4. Anti-War Campaign of Croatia.
5. Group for Human Rights of Women "Be Active - Be Emancipated".
6. Centre for the Direct Protection of Human Rights.
7. Civil Rights Centre.
8. Centre for Peace, Non-violence and Human Rights - Osijek.
9. Centre for the Promotion of Human Rights Magna Carta.
10. Centre for the Protection of Human Rights of Imprisoned and Missing Nationals of Croatia and Members of Their Families "Apel".
11. Dalmatian Committee for Human Rights - Split.
12. Democratic Community of Hungarians in Croatia.

13. Civil Committee "Povratak kuci" (Home Return).

14. Civil Committee for Equality and Democracy.

15. Civil Committee for Human Rights.

16. Croatian Peace League.

17. Croatian Association of Political Prisoners - Victims of Communism.

18. Croatian Association for the Protection and Promotion of Human Rights.

19. Human Rights Committee.

20. Youth Peace Group "Danube".

21. National Association of Men of Croatia.

22. Civil Rights Project.

23. Serbian Democratic Forum.

24. "Goli otok" Association.

25. Association for the Promotion of Women's Rights "Lobi".

26. Association for Assistance, Cooperation and Tolerance "Pusa" - Knin.

27. Volonteers' Centre Zagreb.

28. Centre for Female War Victims.

29. Medical Centre for Human Rights - Zagreb.

30. Centre for Female War Victims - Zagreb.

31. Dalmatian Human Rights Committee - Split.

32. Dalmatian Solidarity Committee - Split.

111. The citizens of the Republic of Croatia are guaranteed the right to freedom of association for the protection of their benefits or for advocating social, economic, political, national, cultural or other beliefs or objectives. For that purpose, citizens are free to form political parties, trade unions and other associations. As they are free to form associations, citizens are also free to leave associations. The right to freedom of association is limited by the prohibition of disturbance of the constitutional order and the independence, sovereignty and territorial integrity of the Republic of Croatia (according to the Constitution of the Republic of Croatia).

F. Economic, social and cultural rights

1. The right to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration*

112. It is laid down in article 54 of the Constitution of the Republic of Croatia that everyone has the right to work and freedom of work and the right to free choice of profession and employment, as well as that any job or position is accessible to everyone under the same conditions. It is also laid down that every employee is entitled to remuneration sufficient to ensure him and his family a free and dignified life. There is a right to a weekly leave, and the law prescribes a paid annual leave and the maximum number of hours of work. Furthermore, it is laid down in article 64 of the Constitution that children may not be employed before the legally stipulated age (15), or forced to work. They may not be allowed to perform work that is detrimental to their health or their morale.

113. The Croatian Employment Service is a public institution that offers mediation in finding employment, vocational guidance, training for the unemployed, unemployment insurance, measures and activities aimed at maintaining the existing level of employment and promoting new employment.

114. On the basis of the Employment Act (Official Gazette No. 59/96), all employees with an employment contract are insured in case of unemployment, on the basis of the principle of solidarity. The following rights are covered by such insurance (article 3 of the Act): the right to compensation, the right to health insurance, the right to pension and disability insurance and family allowance according to the regulations for these issues, financial assistance, compensation for expenses during training, financial aid, compensation for travel expenses and removal costs.

115. The Croatian Employment Service, as an institution carrying out activities in connection with employment in the country and abroad, implements a number of measures and activities aimed at protecting the unemployed and reducing the existing level of unemployment. These measures and activities may be broken down into two groups. The first group covers mediation in finding employment and the second group includes material insurance during unemployment.

116. In the course of employment mediation, continuing technical assistance is provided to unemployed and other persons in the selection and identification of a profession or a job that meets their technical and physical capacity, and employers are provided with candidates for their job openings. The mediation includes professional selection, educational actions, vocational guidance and professional rehabilitation. In its mediation activities the Service acts impartially in relation to unemployed and employers. In the course of its mediation the Service takes into account the activities required by a job, the abilities of the persons seeking employment, and their personal conditions, and the Service may first send them for an examination of their mental

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* As the regulations referring to the employment contract and labour rights have not changed, they are not repeated here.

and physical capacities, inclinations and health condition (article 10 of the Employment Act). The mediation in employment is carried out by the Service free of charge on the basis of application by an unemployed person and a job offer by an employer.

117. There is also employment mediation in other countries, which is carried out by the Service in cooperation with employment agencies of other countries and owners of foreign ships in accordance with conventions and recommendations of the International Labour Organization and other international treaties binding on the Republic of Croatia.

118. Unemployed persons who are old enough to be entitled to old age pension may assert the rights to pension and disability insurance but may not have enough years of contributory service to receive a pension. The Service pays the contribution for receiving the pension and disability insurance of such persons untii they meet the conditions for a pension, for a maximum of five years.

119. Croatian nationals who were employed in other countries are entitled to material insurance during the period of unemployment in accordance with the provisions of the agreement between the States.

120. The Croatian Employment Service carries out an active employment policy through a number of measures that have been applied since 23 April 1998. The first measure refers to the employment of young persons with no previous working experience. In this way 3,844 persons from the files of the Service found employment in the period from June 1998 to 31 October 1999.

121. The second measure is co-financing the costs of job training and technical training of new employees. The objective of this measure is to enable employers to hire new workers and enable them to adapt to the requirements of the job. In this way, from June 1998 to 31 October 1999 employment was provided for 4,042 persons. Retraining and additional training for jobs in short supply is the third measure, the objective of which is to reduce the structural discrepancy between supply and demand in the labour market. This measure covers 870 veterans and disabled veterans of the Homeland War, who have priority over other groups. During the stated period 2,548 persons were included in this measure; 2,014 Croatian war veterans found employment through the measure of co-financing the employment of Croatian war veterans, and the unemployed children and widows of Homeland War veterans.

Employment of aliens

122. Conditions for the employment of aliens and stateless persons in the Republic of Croatia are laid down in the Act on Employment of Aliens (Official Gazette No. 19/92, 33/92, 89/92, 26/93, 52/94) and the Guidelines for Issuing Work Permits to Aliens (Official Gazette No. 82/96). An alien may become employed or work in the Republic of Croatia on the basis of a work permit, if he or she meets the general and specific legal conditions. Work permits for aliens are issued by the Central Office of the Croatian Employment Service in Zagreb. An employer may seek a work permit for an alien provided that there are no persons in the files of the Service who meet the conditions required. Unemployed aliens who are granted permanent

residence in the Republic of Croatia and who have a work permit and who are registered in the Croatian Employment Service enjoy the rights in case of unemployment stated in the Employment Act.

123. In 1997 the Croatian Employment Service received 6,752 applications for work permits for aliens; 5,978 of them were granted and 262 were refused. During the procedure 489 applications were returned to applicants to supplement the file. The procedure was suspended for two aliens who received Croatian citizenship during the procedure. Croats having foreign citizenship or without citizenship, who do not need a work permit to work in the Republic of Croatia, submitted 21 applications for work permits. Of the total number of processed applications, 3,602 concerned aliens with extended residence in the Republic of Croatia (the application is submitted by the employer in question), 2,161 applications were resolved for aliens with permanent residence, 121 applications concerned daily migrants, and 356 applications were resolved for applicants holding a business visa.

124. In the same year, 184 complaints were lodged with the administrative council of the Croatian Employment Service; 56 of them were accepted and 128 rejected.

125. In 1998, 7,287 applications for work permits for aliens were received. Of this number 6,341 were approved and 318 applications were rejected. During the procedure 480 applications were returned in order to supplement the application. The procedure was suspended for four aliens who received Croatian citizenship during the procedure, and 133 aliens withdrew their application. Croats with foreign citizenship or without a citizenship, who do not need a work permit to work in the Republic of Croatia, submitted 11 applications for work permits.

126. Of the total number of processed applications, 3,718 concerned aliens with extended residence in the Republic of Croatia, 2,219 applications were resolved for resident aliens, 101 applications for daily migrants, and 621 applications for applicants holding a business visa.

127. In the same year, 156 complaints were lodged with the administrative council of the Croatian Employment Service; 32 of them were accepted and 124 of them refused.

128. The Pension Insurance Act (Official Gazette No. 102/98) has been in force since 1 January 1999. Insured persons have mandatory insurance for old age and disability, and members of their families are insured, on the basis of reciprocity and solidarity rights, for the death of the insured person, i.e. the pensioner. The mandatory insurance includes: (a) old-age pension; (b) early retirement pension; (c) disability pension; (d) family pension; (e) minimum pension; (f) basic pension; (g) vocational rehabilitation; (h) physical disability compensation; (i) compensation for travel expenses in connection with the realization of insurance benefits.

129. The benefits from pension insurance are inalienable personal material rights and they may not be transferred to others or inherited. Any income that was due for payment but was not paid before the death of the beneficiary may be inherited.

Status of the insured – the insurance principle

130. The rights from pension insurance, which also includes disability insurance as well as workmen's compensation insurance, are acquired and exercised regardless of the citizenship, nationality, colour, race, sex, religious or ethnic affiliation of the insured person. The old-age insurance legislation does not mention national, racial or similar categories of persons, but only those who have acquired the status of an insured person. This status is acquired by citizens and members of their families on the basis of labour: employment and self-employment, including agricultural activity. Since the right to work and to freedom of work is guaranteed to everyone in article 54 of the Constitution of the Republic of Croatia, all citizens who work, and through them members of their families, acquire the status of insured persons in pension insurance. The rights acquired on the basis of pension insurance are inalienable personal and material rights for which there is no statute of limitation, and they are not restricted in any way, or limited by citizenship, colour, race, sex, or national or ethical affiliation. The payment of all compensation is also made in other countries, in accordance with international treaties that are binding for Croatia, or on the basis of reciprocity.

2. The right to form and join trade unions

131. According to the data of the Ministry of Labour and Social Welfare, where files are kept on the registration of trade unions and employers' associations, in 1996 20 trade union associations on a higher level were registered, 1 employers' association of a higher level was registered, and 104 trade unions and 18 employers' associations were registered. In 1997, 2 trade union associations of a higher level, 37 trade union associations and 4 employers' associations were registered. In 1998, 2 trade union associations of a higher level, 13 trade union associations and 3 employers' associations were registered. In 1999, 1 trade union association of a higher level, 11 trade union associations and 2 employers' associations were registered.

132. We repeat what has already been mentioned above, that according to article 59 of the Constitution of the Republic of Croatia, in order to protect their economic and social interests employees have the right to form, join and leave trade unions. Trade unions may form their associations and join international trade union organizations. Similarly, employees have the right to form associations, join and leave them. It is only possible to restrict trade union activities by the act on the military and the police forces.

3. The right to housing

133. According to the Constitution of the Republic of Croatia, the home is inviolable. The Act on Flat Lease (Official Gazette No. 91/96) and the Rule on Standards for the Determination of Protected Rental (Official Gazette No. 40/97) are some of the regulations dealing with the right to housing. None of the mentioned regulations contains any provisions granting privileges to a lessor or a lessee on any grounds. A rental, which may be protected or unprotected, is paid for a rented flat. The conditions and standards for the determination of a protected rental are laid down on the basis of the furnishing and usability of the flat, expenses for the maintenance of the parts and equipment of the building that are jointly owned, as well as on the basis of the level of income of the family household of a lessee. All of these criteria are laid down by the

Government of the Republic of Croatia. Apart from that, cities as units of local self-government, provide assistance in addressing the housing requirements of low-income citizens by granting the use of flats owned by them.

4. The right to public health, medical care, social security and social services

134. No one may be subjected to any form of abuse or, without his consent, to any medical or scientific experiments. This provision is included in article 23, paragraph 1, of the Constitution of the Republic of Croatia.

135. The right to public health and medical care is regulated in the Republic of Croatia in the Act on Medical Care (Official Gazette No. 1/97 - final version) and the Act on Health Insurance (Official Gazette No. 1/97 - final version, 109/97, 13/98, 88/98, 10/99 and 34/99).

136. Medical care of the citizens of the Republic of Croatia is carried out on the basis of the principles of comprehensiveness, continuity, accessibility and an integral approach in primary medical care, and on the principle of a specialist approach in the specialist consulting and hospital medical care. The comprehensiveness of medical care is a principle on the basis of which all citizens of the Republic of Croatia are included in appropriate measures of health protection in accordance with the law (articles 9 and 10 of the Act).

137. The continuity of medical care is determined to be a principle to be achieved through the overall organization of the health care system, in particular at the level of the primary care providing continuous medical care for citizens through all ages. The right to medical care is exercised through the accessibility of health care by means of a distribution of medical institutions and health-care workers on the territory of the Republic of Croatia which makes it possible for citizens to enjoy equal conditions of medical care, in particular primary care. The right to primary care is exercised by a free choice of a medical doctor and a dentist, who carry out measures for health promotion, sickness prevention, treatment and rehabilitation up to the level of capacity for work (arts. 11, 12 and 13).

138. The health care activities are organized on three levels: primary, secondary and tertiary health care.*

139. The medical activity at the primary level is implemented through community health centres, medical institutions providing organized primary care for the territory for which they were established. Until 1 July 1999 there were 120 institutions of that type on the territory of the Republic of Croatia. Their activity includes: general practice, health care for women and children and dental care; an ambulance station, an institution for medical care at home and a pharmacy.

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* The source of the data on the number of medical institutions is the Yearbook of the Croatian Institute for Public Health Care.

Organizational form	Number on the territory of Croatia
Health Centres	120
Ambulance station	4
Institution for medical care at home	94
Pharmacy	109

140. Health care at the secondary level comprises specialist consulting and hospital medical care carried out at polyclinics and hospitals, including the diagnostic activity, treatment, medical rehabilitation, medical care, hospitalization and food. The institutions, according to their purpose, may be organized as general hospitals, special hospitals or sanatoriums.

Organizational form	Number on the territory of Croatia
Polyclinics	106
General hospitals	23
Specialist hospitals	29
Sanatoriums	4

141. Medical care at the tertiary level includes the implementation of the most complex forms of health care from specialist activities, scientific work and teaching in medical schools, and it is carried out in public medical institutions, clinical hospital centres, clinical hospitals and clinics.

Organizational form	Number on the territory of Croatia
Public medical institutions	7
Clinical hospital centres	2
Clinical hospitals	5
Clinics	7

142. The Health Insurance Act guarantees that the rights and obligations emanating from the compulsory health insurance are applicable to insured for all insured persons on the basis of the principles of reciprocity and solidarity. Insured persons are persons who have an employment contract with a legal entity or a natural person on the territory of the Republic of Croatia or who are sent abroad for the purpose of additional training; persons who have interrupted their employment for the purpose of additional training abroad; persons who carry out on-the-job training after the completion of their education; persons employed with administrative bodies or diplomatic or consular offices, persons registered with the Employment Service; beneficiaries of pensions; disabled persons; veterans of the Croatian Homeland War if their insurance is not acknowledged on some other grounds; persons carrying out agricultural activities if it is their only occupation; as well as some other categories of persons and members of their families if they are supported by the insured person in the cases provided by the law.

143. It is determined that a person withholding or restricting the right of a citizen to medical care or disabled-person protection is punishable by a fine or a prison sentence.

144. According to a report of the Social Welfare Directorate of the Ministry of Labour and Social Welfare, the area of social welfare is regulated in the new Social Welfare Act (Official Gazette No. 73/97) and in the sub legal regulations adopted on the basis of this Act. According to these regulations, social welfare rights are guaranteed to everyone without distinction as to race, colour, or national or ethnic origin, under equal conditions.

145. Article 11 of the Social Welfare Act determines that social welfare rights are granted to Croatian citizens and stateless persons who have permanent residence in the Republic of Croatia (para. 1); foreign nationals with permanent residence in the Republic of Croatia are granted those social welfare rights which are determined with regard to them in this Act and in international treaties (para. 2), and that persons who are not covered by paragraphs 1 or 2 may temporarily exercise social welfare rights under conditions laid down in this Act, if so required by their circumstances.

146. Social Welfare Centres which, in accordance with article 82 of the Social Welfare Act and on the basis of public authority, inter alia make decisions on social welfare rights in the first instance, are public institutions established by the Republic of Croatia. According to article 81 Social Welfare Centres are established for the territory of one or more municipalities or cities on the territory of the same county or the City of Zagreb. Such a structure ensures the accessibility of social welfare services for everybody according to their place of residence. There are 78 Social Welfare Centres on the territory of the Republic of Croatia and 26 branch offices.

147. For the protection of the rights of particularly vulnerable groups there is an integral social welfare system that ensures that these categories of the population can exercise a number of rights to improve their social status. This system enables the fight against poverty affecting citizens of the Republic of Croatia and the fight against social isolation.

148. Apart from the general system of social welfare for special categories, special programmes of activities were adopted which lay down the implementation of additional measures such as the National Programme of Activities for Children in the Republic of Croatia and the National Policy Promoting the Position of Women.

5. The right to education and training

149. It is determined in article 65 of the Constitution of the Republic of Croatia that elementary education is compulsory and free of charge for everyone and that secondary education must be accessible to everyone, under equal conditions, according to their abilities.

150. The stated constitutional provisions are not further elaborated in the Act on Pre-school Education (Official Gazette No. 10/97), the Elementary Education Act (Official Gazette No. 59/90, 27/93 and 7/96) and the Secondary Education Act (Official Gazette No. 19/92, 26/93, 27/93 and 50/95). However, it can be inferred from all provisions of the stated acts that everybody, without distinction as to race, colour, or national or ethnic origin, has an equal right to education and training.

151. Additional rights, exercised equally by all members of national minorities, are laid down and elaborated in the Constitutional Act on Human Rights and Freedoms and the Rights of Ethnic and National Minorities in the Republic of Croatia (Official Gazette No. 34/92 - final version) and the Act on Education Held in Minority Languages (Official Gazette No. 25/79).

152. In accordance with article 6 of the stated Constitutional Act, the Republic of Croatia undertook the obligation to ensure that members of national minorities enjoyed the right to identity, culture, religion, public and private use of language and script, education and equal participation in public activities, and enjoyed political and economic freedoms in the social sphere, access to the media, and rights in the fields of education and culture generally. It is laid down in article 14 of the same Constitutional Act that education of members of national minorities in the Republic of Croatia takes place in nursery schools and schools using their language and script, according to programmes which adequately include their history, culture and science, if they want. Members of national minorities also may establish private nursery schools, schools and other educational institutions.

153. All of these provisions are consistently carried out in all accompanying legal and sublegal regulations dealing with education.

154. The Government of the Republic of Croatia established the National Board for Education in Human Rights in cooperation with the Ministry of Education and Sports.

155. The National Board was established with the objective of assisting children of pre-school age, students of elementary schools and secondary schools, students of universities and adults to attain the necessary level of individual and social awareness of the ethical principles of equality and freedom of all people, which result in all other aspects of human rights, and to achieve, through education, the necessary level of enjoyment of human rights as a need of every individual and of society as a whole.

156. The National Programme of Education in Human Rights was developed by the National Board, taking into account all basic documents and acts on human rights of the Republic of Croatia, the United Nations, the United Nations Educational, Scientific and Cultural Organization, the Council of Europe and OSCE. Some of the basic documents are:

The Constitution of the Republic of Croatia, 1992;

The Constitutional Act on Human Rights and Freedoms and Rights of Ethnic and National Communities or Minorities in the Republic of Croatia, 1991;

Universal Declaration on Human Rights, 1948;

Convention on the Rights of the Child, 1989;

International Convention on the Elimination of All Forms of Racial Discrimination, 1969;

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 1992;

Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights, 1993;

European Convention on Human Rights, 1950;

International Covenant on Civil and Political Rights, 1996;

Plan of Action for the United Nations Decade for Human Rights Education (1995-2004), 1996.

157. The general national programme will be implemented as a cross-cultural theme through all curricula, where its application is appropriate. The programme was completed in 1997, and the training of teachers and school principals has been taking place in order for the programme to be carried out at a high level of quality.

158. It is worth mentioning that, in cooperation with UNICEF, the booklet "Children Above Everything", which contains the Convention on the Rights of the Child, the Universal Declaration and the Plan of Action of the World Summit for Children, was translated into Croatian and sent to schools. The book ABC: Teaching Human Rights: Practical Exercises for Primary and Secondary Schools (1989), was also translated and sent to schools for use. The book Peace-Making Class was made accessible to all teachers. It deals with the existing situation in schools in an original manner, offering various extremely lifelike and interesting models and strategies of teaching for peace and human rights.

159. Apart from the above, the Ministry of Education and Sports developed a programme in the school year 1998/99: "Integration of Roma children in the education system of the Republic of Croatia". The Roma children still rarely complete elementary school, let alone secondary school. Poverty, war trauma, unemployment of parents and the struggle for existence, as well as the traditional model of treatment and care for children, have led to Roma children being educationally neglected, left to the street and without medical care when sick, so that most of them fall into the category of children with special needs. It is particularly important to raise the level of awareness of teachers, as well as others working with such children, that apart from educational goals it is necessary to attain specific objectives and implement psychosocial interventions in accordance with the special needs of these children.

160. A programme of seminars is developed in accordance with the above-mentioned requirements and problems. It is based on an integral approach and the application of modern knowledge, as well as psychological schools and directions with a humanist orientation, dealing with issues of upbringing, education and maturation of children. Two seminars were held with the objective of training teachers and assistants from the Roma population in the implementation of the integration of the Roma children into the regular school system and special forms of activities with Roma children and their parents.

161. Respecting international conventions on human rights and rights of national minorities, the Institute for the Promotion of Schools, Ministry of Education and Sports, started a project: "Multiculturalism - Basis for healthy, peaceful and tolerant coexistence". The goal of the project is to provide psychosocial assistance and an educational model of positive acceptance of pluralism and multiculturalism for teachers, students and parents in the Croatian Danube Region, although this type of assistance would be useful in other parts of the country as well.

162. The purpose is to attain a positivist approach to oneself and to the environment, starting from psychological approaches to an individual, a smaller community, a group and a society, by identifying and defining a problem, facing it, breaking it down in a rational manner.

163. The objective of the project is to make it possible for an individual to get to know and accept himself, but also to present the abundance of variety and pluralism surrounding him, to get to know what is different, but to value it in a different manner as someone else's destiny or choice, being aware of the fact that what is different is not necessarily bad or less valuable, dangerous or harmful.

164. A pluralist society and multicultural environments are used as a basis for healthy, peaceful and tolerant coexistence. The project met with great interest. All project participants are interested in seeing its continuation and expansion in the field. For this reason we accepted cooperation from the NGO PRONI from Vukovar, which implements the Council of Europe project "Together we are stronger" under government supervision and technical assistance, the objective of which is also to establish tolerance and understanding among the variety. In autumn 1999 three seminars were held with students, parents and teachers. The next 10 seminars are scheduled for 2000 in Vukovarsko-Srijemska County and Osječko-Baranjska County.

165. In the framework of the application of the International Convention on the Elimination of All Forms of Racial Discrimination, a project might be mentioned that is carried out by the Institute for Promotion of Schools, Ministry of Education and Sports of the Republic of Croatia, in cooperation with the National Council on Economic Education, United States of America. The project, entitled "Economic education for democratic transformation", is an example of respect for human rights and freedoms at the economic, but also ethical, national, racial and religious level.

166. In cooperation with the National Board on Human Rights Education, numerous schools in the Republic of Croatia, supported by the Kingdom of the Netherlands, hold seminars for teachers to train them in the application of the National Programme of Education in Human Rights. The seminars are held for pre-school, elementary school and secondary school teachers. The first seminar of this group was held in 1999, and three seminars are to follow in 2000.

167. Based on the principles of the Constitution of the Republic of Croatia (1990) and the Constitutional Act on Human Rights and Rights of National Minorities (1991), education for members of national minorities takes place in the languages of these national minorities in the Republic of Croatia. The education takes place in three basic models: (a) complete education in the minority language; (b) two-language education; (c) care and promotion of the minority language and culture.

168. All of the forms of education are implemented through the regular education system of the State, and members of individual national minorities are free to choose a model. Some, e.g. the Czech minority, use all three models.

169. It is worth mentioning that the principles of the International Convention on the Elimination of All Forms of Racial Discrimination are supported, promoted and applied by the Ministry of Education and Sports in all of its fields of competence.

170. In year 2000, as a contribution to activities linked with the International Convention on the Elimination of All Forms of Racial Discrimination, the Ministry of Education and Sports is preparing a number of activities, such as expert lectures for teachers, classroom exercises, involving writing papers on this subject, competitions for the best achievements in this subject (literary or visual art works) organization of workshops on discrimination and intolerance, and the development of posters, school newsletters, quizzes and panel discussions for students and teachers, all of these on the fight against racism, discrimination, intolerance and xenophobia.

171. All international recommendations of importance for education were accepted in the development of new curricula and programmes, inter alia the International Convention on the Elimination of All Forms of Racial Discrimination, the Universal Declaration of Human Rights and the Convention on the Rights of the Child. Pupils are familiarized with the content of these documents through education programmes and their textbooks on nature and society, history, geography, politics, economy and religion.

6. The right to equal participation in cultural activities

172. There is no distinction between citizens in the valid regulations of the Republic of Croatia on cultural activities. Members of national minorities are in a position equal to that of other citizens. The Library Act (Official Gazette No. 105/97) and the Act on Archive Materials and Archives (Official Gazette No. 105/97), which entered into force on 17 October 1997, regulate the issue of establishing and organizing libraries and archives as cultural institutions (public and private); they may also be established by members of national minorities in the Republic of Croatia in accordance with the provisions of the above-stated laws.

173. The libraries of national minorities contribute to the promotion of international and intercultural understanding, tolerance and friendship among national minorities. The activities of the central libraries of minorities are carried out in 10 national libraries in the Republic of Croatia and are funded by the Republic of Croatia. They are: Central Library of Albanians - the library and periodicals room, "Bogdan Ogrizović", Zagreb; Central Library of Czechs - National Library "Petar Preradović", Bjelovar; Central Library of Hungarians - City University, Beli Manastir; the Central Library of Rusyns and Ukrainians - City Library, Zagreb; the Central Library of Italians - City Library and Periodicals Room, Pula; Central Library of Serbs "Prosvjeta", Zagreb; Central Library of Slovaks - Croatian National Library and Periodicals Room Našice; Central Library of Slovenians - City Library "Ivan Goran Kovačić", Karlovac; the Austrian periodicals room, Osijek; and the Library of Ludaika - the Jewish Community, Zagreb.

174. A large number of publishing houses of individual national minorities, such as "Edit" in Rijeka, "Jednota" in Daruvar, "Prosvjeta" in Zagreb and "Magyar Kepes Ujsag" in Osijek, are financially supported by cities and municipalities of the Republic of Croatia.

175. In 1998 a new Act on Museums was passed (Official Gazette No.142/98), which, in addition to the existing regulations on cultural activities, enables equal participation of national minorities in cultural activities, as well as the establishment of museums. Programmes of national minorities were financed by the Ministry of Culture in the context of the regular registration of programmes for museum and gallery activities, library activities and publishing activities: the Association of Hungarian Scientists and Artists in Croatia (two programmes in the museum and gallery activity); the Croatian-Israeli Society (one programme); the National Community of Montenegrins in Croatia (one programme); the Jewish Community in Zagreb (five programmes). The Republic of Croatia also provides financial support for concerts and the publication of books, magazines and exhibition catalogues, as well as for the preservation of the cultural heritage of members of national minorities. For example, in 1998 exhibitions in the Jewish community and in the Croatian-Israeli Society were financially supported; the Club of Roma in Croatia was supported with HRK 120,000 for the purchase of cultural heritage materials; a guest tour in Italy was made possible with the assistance of the State, as was the cultural week of Roma in Croatia; and a Roma association was supported in the purchase of books. Some HRK 14,621 were spent for these activities. Furthermore, substantial financial resources were invested in the reconstruction of Serbian Orthodox churches, monasteries and icons. For example, the reconstruction of churches of St. Nicholas in Karlovac, Pula and Velika Bršljanica was financed as well as the reconstruction of a monastery and two churches in the municipality of Gomirje, with some HRK 610,000.

176. In 1998 the Republic of Croatia provided financial assistance for a variety of activities, either cultural events or the reconstruction of cultural heritage materials, for all members of national minorities who registered their programmes. For this purpose HRK 482,220 were spent.

177. In 1999, also as a part of the regular registration of programmes, allocating financial resources amounting to HRK 527,468 to their associations also financed a part of the programmes of national minorities.

178. According to the Decision of the Government of the Republic of Croatia of September 1998, an additional HRK 1,323,000 were allocated for investment programmes, improvement measures and reconstruction of buildings of national minorities.

179. Last year the Act on the Protection and Conservation of Cultural Heritage (Official Gazette No. 69/99) was passed. Apart from the conservation and protection of cultural heritage of importance for national minorities, it also provides for the establishment of institutions for the protection and conservation of cultural heritage and thus enables equal participation of national minorities in this field of activity. In addition to the above-mentioned financial support for the reconstruction of churches and monasteries, the publication of books and magazines and assistance in the organization of museum and gallery activities, last year the Republic of Croatia financed the operation of the central libraries of national minorities. Additionally, it is laid down in article 23 of the Standards for National Libraries in the Republic of Croatia (Official Gazette No. 58/99) that national libraries that are to be established for each municipality are obliged to

provide a certain number of titles in the languages of minorities, provided that there are more than 1,500 inhabitants in the municipality who are members of a national minority.

IV. ARTICLE 6 - JUDICIAL PROTECTION

180. Article 18 of the Constitution of the Republic of Croatia provides for the right of appeal against individual legal decisions passed in the procedure of first instance by a tribunal or other authorized institution. The right to appeal may exceptionally be excluded in cases defined by the law, if other legal protection is ensured.

181. Individual decisions of the State administration and institutions with public powers have to be founded in the law. The judicial control of the legal character of individual decisions of administration and institutions with public powers is guaranteed.

182. The Ombudsman examines any violation of the rights of citizens that may have occurred in the course of the implementation of their activities by the bodies of the State administration, institutions with public powers, or by officials of these bodies or institutions. The Ombudsman also examines other issues of interest for the protection of the constitutional and legal rights based on other sources of information (through the media, etc.), and refer to any irregularities in the activity of these bodies or institutions. The Ombudsman warns, informs, suggests and makes recommendations. If he or she determines that a violation has the elements of a criminal offence, torture or an infringement of labour discipline, the ombudsman may suggest that a criminal, administrative or disciplinary procedure be initiated. The administrative bodies or institutions with public authority have to inform the Ombudsman forthwith, but not later than 30 days thereafter, about the measures taken as a result of his or her warning, suggestion or recommendation. If the bodies or institutions do not act in compliance with the request or recommendations of the Ombudsman within the defined period of time, the Ombudsman shall inform the Croatian State Parliament and the general public thereof.

183. The Ombudsman may publish his/her warnings, notices, proposals, recommendations and reports in the media, and the media have the obligation to publish them. He or she is independent in his or her activity. No one may give him or her instructions for his or her actions. He or she acts within constitutional and legal provisions, as well as international legal documents on human rights and freedoms adopted by the Republic of Croatia. The Ombudsman is obliged to observe the principles of fairness and morals in his or her actions. He or she is elected by the House of Representatives of the Parliament for the period of eight years and he or she may be re-elected.

184. From the reports submitted regularly to the Croatian State Parliament in previous years, a larger group of cases may be noticed, which have the characteristics of racial discrimination. These are cases from the field of acquiring Croatian citizenship by persons who were born and lived on the territory of the Republic of Croatia, but are of another national origin, as well as cases dealing with the expropriation of property and the introduction of the right to use such property in the territory affected by the war that was left by the owners of such property temporarily or permanently.

185. A number of claimants who addressed the Ombudsman for the purpose of the protection of their labour rights claim that they were victims of discrimination on the grounds of national origin.

V. ARTICLE 7 - MEASURES DESIGNED TO COMBAT PREJUDICE

186. In the education system of the Republic of Croatia, various activities are being introduced in the curricula and programmes, the objective of which is to influence the generations of elementary and secondary school pupils and to promote awareness on the need to protect human rights and democracy. All international recommendations of importance for education were adopted, inter alia the International Convention on the Elimination of All Forms of Racial Discrimination, the Universal Declaration of Human Rights and the Convention on the Rights of the Child. In order to demonstrate that the educational programmes in Croatia are developed in the spirit of the above stated documents, we shall cite a few examples:

Example 1

187. In the Programme Guidelines for Pre-school Education (Newsletter of the Ministry of Education and Sports, No.7/8, 1991) it is stated as follows: "The education of pre-school children is based on a humanistic development concept", based on the starting point that children also have special rights expressed in the Declaration of the Rights of the Child, i.e. the right to live in a healthy environment, to enjoy, without exception or discrimination, optimum conditions provided by the society for their growth, development and education, in order to develop harmoniously their physical, moral and social aspects, in conditions of freedom, dignity, acceptance, love and understanding.

Example 2

188. The purpose and the goal of teaching history in elementary and secondary schools are laid down in the spirit of the stated documents:

> "The purpose and the goal of the history education is for students to acquire ethical norms and life attitudes, with the help of a truthful interpretation of historic events, as well as personal cooperation, i.e. learning, and, in the process, to develop an open mind for understanding different cultures and ways of life, as well as communication with their colleagues and other people ... the teaching of the subject of history has to be impartial, which means speaking the truth and only the truth, no matter how pleasant or bitter it may be. A pupil brought up this way will also be prepared to see and understand historic events, as well as their multilayered and complex problems.
>
> "Apart from credibility and objectivity, it will be easier to attain the above-stated ethical and educational values, if history students are not burdened by a large number of facts. Instead, the focus is to be on the culture and the purpose of history education. That is why in the course of history education the student will be stimulated and assisted to work alone and to try to see the problems in the developments of history. Analytic abilities and personal viewpoints will be developed, i.e. critical observation of history and events in history.

"Apart from training students in critical observation and evaluation of historic events and persons, as well as in asking correct questions and searching answers, which include the ability to eliminate what is irrelevant and to look for what is essential and to generalize in the endeavours to form well-based personal judgements, we shall also help the student to see the limits of his abilities and human limitations as well.

"On the basis of such activities, the student will become increasingly able to recognize, in the overall history of the world and also in the national history as its integral part, the painstaking movement of humanity towards a better life in dignity, also through conflicts of one-sided goals and the eruption of passions of a man or a group (e.g. in wars and similar events).

"Through the acquisition of valid insights and knowledge, the student will be convinced that the history of humanity and man himself is a mystery, which, however, reveals the meaning of the life of humans in historic developments through their growth in humanity."

Example 3

189. The geography curriculum in elementary and secondary schools also reflects the spirit and the content of the above-stated documents: "It is the goal of teaching the subject of geography to make students see the necessity of mutual cooperation and human solidarity in the world."

190. "The objective of the education in geography is to make students able to observe and get to know changes in the geographic reality, to develop their ability for critical analysis of specific situations as a basis for consideration and stimulation with a view to enhancing the need for integration in the positive social practice in the life of a community ... to familiarize students with the intense process of impairing the quality of the human environment and the need to protect the environment from any further degradation, i.e. to improve the quality of endangered elements and sites ...".

191. In the sixth grade of elementary school the subject matter of the "Unity of the human race in the diversity of human races, languages, cultures and religious differences" is explicitly dealt with. (The general curriculum for elementary schools in the Republic of Croatia in the school year 1993/94, Ministry of Education and Sports, Zagreb, pp. 333-347.)

Example 4

192. The purpose and the goal of education in foreign languages in the elementary and secondary schools is also laid down in the spirit of the above-mentioned documents:

"The dissemination of knowledge on the culture and civilization of a larger number of countries ... contributes to the elimination of ethnocentric views characteristic of closed communities ... [and to] the formation of the entire personality of a student, because he learns how to listen and to understand another person, to reasonably accept or reject someone else's view, to present personal ideas and judgements in a reasonable and

clear manner, i.e. the culture of dialogue and communication is promoted. All of this is in compliance with actual aspirations to preserve the abundant diversity of multilingual Europe, as well as cultural similarities and differences in the creation of the feeling of being a citizen of Europe."

Example 5

193. The application of international conventions, declarations and recommendations through extracurricular activities in the elementary and secondary school. The international peace initiative "Peace through Heart" was started in Samobor and is carried out in elementary and secondary schools in Croatia and other countries. The idea is for each school to plant at least one tree of peace and thus, through a symbolic act of planting a tree as a symbol of life, to stimulate young people to create a civilization of peace.

194. The action "Day of the Planet Earth" that is implemented in the Croatian schools unites humanitarian, peace-making and ecological aspirations, the common objective of which is a peaceful and happy future for all inhabitants of the planet Earth.

195. The "Days of Bread" is yet another action that, on the basis of the theme of bread, thinking about bread, making and baking bread as a daily need of all, regardless of class, religious or racial affiliation, links and reconciles all differences.

196. The active assistance of the Republic of Croatia in the field of culture, with the organization of exhibitions and the publication of books and magazines in minority languages (the examples are mentioned above), contributes to the promotion of understanding, tolerance and friendship among nations and ethnic groups.

197. According to article 78 of the Act on Telecommunications (Official Gazette No. 76/99, 128/99), the Croatian Radio and Television, as a national institution, is obliged in its programmes to particularly respect human dignity and fundamental human rights, as well as to contribute to the development of respect for other people's opinions and beliefs, to provide information for listeners and viewers, as well as education and entertainment, to promote Croatian cultural achievements and stimulate listeners and viewers to participate in the cultural life, to promote international understanding and the sense of justice in the general public, to defend democratic freedoms, to serve the protection of the environment, to advocate equality of men and women, to publish the truth, and to promote understanding for members of national minorities.

198. Similarly, according to the provisions of the Media Act (Official Gazette No. 83/96, 143/98, the Croatian Radio-Television is obliged to respect the rights of journalists to express their comments, the right of a journalist to refuse to carry out an assignment, the right to protect the reputation of an author, the right to protect the source of information, and it has the obligation to publish correct, complete and timely information as well as the right to correct an incorrect information.

199. The Act on the Croatian Radio-Television regulates its status and programme obligations, its management and revenues. It is laid down in articles 4 and 8 that this institution

is obliged to inform the public about political, economic, cultural, sports and other events and developments at home and abroad in a truthful, objective and timely manner. It must not advocate attitudes of any political parties or other individual views in its programmes, it is obliged to observe the principles of journalistic ethics, pluralism of ideas and philosophies of life, tolerance in discussions, privacy and other freedoms and human rights. In order to attain these programme objectives and to enable the public to have an impact on the radio and television programmes, the Council of the Croatian Radio-Television was established. It has 23 members, 10 of whom are representatives in the Croatian State Parliament; one of these 10 is a member of the Croatian community living outside Croatia and one is a member of a national minority in the Republic of Croatia; they are appointed and relieved by the Parliament. The Council has the task to lay down programme directions and evaluate the results in accordance with programme obligations. Since its establishment (1992), the Radio-Television Council always had in mind the protection of the interests of national minorities and religious communities in determining programme orientations. Accordingly, the programme orientations were determined for broadcasts dealing with issues in the lives of members of national minorities and religious communities, as well as broadcasts in minority languages.

200. The Croatian Radio-Television produces and broadcasts a programme aimed at informing national minorities in Croatia. It is transmitted in the form of special broadcasts and contributions, mostly on the first and second channels of the national television. The news programme, the programme of religious culture and, partly, the entertainment programme take part in their production, although all programmes of the Croatian Television, although theme-bound, mention and deal with these topics when they are at the heart of social events.

201. As mentioned in the former report, the news programme continues to broadcast in one of its sections a special programme for national minorities, a multinational magazine "Prizma". The broadcast has a duration of 50 minutes. There were 40 broadcasts in 1998 as planned, which is 2,000 minutes of programming. The table below shows the data on the broadcast "Prizma" for the period from autumn 1997 until 28 November 1998.

National minority	Number of contributions	Minutes
Albanians	14	49.30
Austrians	11	37.00
Montenegrins	9	21.45
Czechs	60	181.23
Hungarians	59	97.50
Macedonians	31	97.50
Muslims-Bosniaks	23	102.30
Germans	25	63.35
Roma/Gypsies	24	86.30
Rusyns	14	43
Slovaks	38	143.20

National minority	Number of contributions	Minutes
Slovenians	33	105.30
Serbs	84	354.20
Italians	78	234.53
Ukrainians	20	71.05
Jews	49	127.17

202. Additionally, 72 studio discussions were held with members of national minorities, the duration of the broadcast is 50 minutes, and in the reporting period a total of 45 broadcasts were transmitted. As regards radio programmes, Radio Osijek airs shows in the Hungarian language and Radio Pula in the Italian language. Similarly, local radio stations (mentioned in the previous report) air shows in a minority language depending on the minorities present in their region.

203. In the process of examining bids for licenses for radio and television stations, the Council for Telecommunications is not authorized to consider them in terms of the proportion of the programmes in the minority languages or to request information about this in the published invitation to bid. The lack of any legal obligation to broadcast shows in a minority language does not entitle the Ministry of Sea Transport, Transport and Communications (as the relevant Ministry) to seek information on the share of such programmes from a radio and television licensee. For the same reason, the State telecommunications inspector does not have this authority either.